

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

In the Matter of the Seizure of
(Address or brief description of property to be seized)

2004 BMW 645CI, VIN: WBAEK7349B320240

APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

CASE NUMBER: 2:06 mj 20-VPM

I, Joe Herman, being duly sworn depose and say:

I am a **DRUG TASK FORCE OFFICER** and have reason to believe that in the Middle District of Alabama there is now concealed a certain property, namely (describe the property to be seized)

2004 BMW 645CI, VIN: WBAEK7349B320240

which is (state one or more bases for seizure under United States Code)

subject to seizure and forfeiture under Title 21, United States Code. Section 881(a)(6)

concerning a violation of Title 21, United States Code, Section 841

The facts to support a finding of probable cause for issuance of a Seizure Warrant are as follows: Please see attached Affidavit of Joe Herman.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Joe Herman
Signature of Affiant

Sworn to before me, and subscribed in my presence

2/6/06 @ 2:45 pm
Date

VANZETTA PENN MCPHERSON
United States Magistrate Judge
Name and Title of Judicial Officer

at Montgomery, Alabama
City and State

Vanzetta Penn McPherson
Signature of Judicial Officer

AFFIDAVIT

Affiant, Joe Herman, being duly sworn, deposes and says:

1. Joe Herman is an Alabama State Trooper Corporal, assigned as an Agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), both located at the Investigative Operations Center in Montgomery, Alabama. Agent Herman is cross designated and federally deputized by the United States Drug Enforcement Administration (DEA) with authority under Title 21, United States Code. Your affiant has twenty-two years of total law enforcement experience.

The past twelve years have been primarily spent in narcotics investigations. He has conducted investigations involving drug distribution, drug conspiracies, and drug trafficking. Agent Herman has also has received specialized training in narcotics investigations and has attended schools and seminars pertaining to narcotics investigations and drug enforcement.

2. Based on the experience and training of your affiant and the facts alleged herein, it is his belief that probable cause exists to seize a 2003 silver Mercedes, Alabama license plate HSTN2, VIN WDBKK49FX3F282892, herein after identified as the MERCEDES, a 2005 black Hummer, Alabama license plate HSTN, VIN 5GRGN22U35H114951, herein after identified as the HUMMER, a 2004 BMW 645CI, Alabama license plate HSTN 3, VIN WBAEK73494B320240, herein after identified as the BMW, and a 2005 Chrysler 300, Alabama license plate HSTN 4, VIN 2C3AA53G65H612718, herein after identified as the CHRYSLER, all registered to Keith WILLIAMS, as drug proceeds under Title 21, United States

Code, Section 881(a)(6). This affidavit also asserts that the MERCEDES was used to facilitate cocaine sales.

3. In January 2005, your affiant and SA Thompson of the DEA met with a Source of Information (SOI) who provided details regarding suspicious activity that appeared to be drug related. According to the SOI, this activity was taking place at a townhouse located at 1624 Sandstone Court, Montgomery, Alabama. Based on the information provided by the SOI, an investigation was initiated.

4. On January 28, 2005, an Administrative Subpoena was issued to Alabama Power Company requesting the name of the subscriber and billing information for the Sandstone Court residence. The resulting information showed that Valshalan Moody was the listed subscriber and other information. A subsequent records check indicated that Moody resided in Columbus, Georgia. Alabama Power records further indicated that, over the past 16 months, the power used at the residence was abnormally low. Alabama Power officials advised that the abnormally low power bills indicated that no one was living in the residence.

5. Members of the Montgomery HIDTA Office began monitoring activity at the Sandstone Court residence. On March 7, 2005, at approximately 10:00 PM, your affiant observed two vehicles backed up to the rear of the residence. One of the vehicles was a sedan bearing Texas license plate Z11 WMF, registered to Rosa ARRENDONDO living at 2401 Galveston Road, Houston, Texas. The other vehicle was a white Chrysler Sebring.

6. On March 8, 2005, at approximately 6:50 PM, your affiant and SA Thompson observed the Chrysler Sebring and a Ford Ranger pickup truck parked at the rear of the residence. Your affiant walked by the vehicles and saw a knapsack and soft-

sided long gun case in the trunk of the Sebring. As your affiant was walking away from the vehicle he observed a black male, later identified as Keith WILLIAMS, walking out of the apartment carrying a large green plastic box, and walking towards the vehicles.

7. At approximately 6:55 PM, your affiant observed the Ford Ranger leave the residence and go to Festival Apartments located just west of Sandstone Court on Woodmere Road. Agent Herman observed the Ford Ranger pull up next to a dumpster and then heard banging noises coming from the dumpster. At approximately 7:00 PM your affiant observed the Ford Ranger pull away from the dumpster and go back to the rear of the Sandstone Court residence. Your affiant subsequently observed WILLIAMS exit the Ford Ranger and enter the driver's side of the Chrysler Sebring.

8. At approximately 7:05 PM, your affiant and SA Thompson observed the Ford Ranger and the Sebring leave the residence. The Ford Ranger went east on Woodmere Road and the Sebring went west on Woodmere Road. Your affiant and SA Thompson followed the Sebring to the Eastern Boulevard and maintained surveillance as the vehicle went north on the Eastern Boulevard. Your affiant summoned a marked Alabama State Trooper unit to assist. Trooper Andy Sutley arrived in the area and observed the driver of the Sebring commit multiple traffic violations.

9. Trooper Sutley attempted a vehicle stop on the Sebring on the access road on the east side of the Eastern Boulevard. WILLIAMS did not immediately stop the car, but eventually did stop on Shirley Lane. Trooper Sutley approached the vehicle and smelled the odor of marijuana and alcohol. Trooper Sutley asked WILLIAMS if

he had been drinking and WILLIAMS said, "No." Trooper Sutley asked WILLIAMS for his driver's license and noticed that WILLIAMS had a hard time getting it because WILLIAMS was shaking so badly that he had to hold his left wrist with his right hand. Trooper Sutley asked WILLIAMS to get out of the car because Trooper Sutley saw WILLIAMS reaching towards the passenger area and back to his pockets. After WILLIAMS exited the vehicle, Trooper Sutley noticed WILLIAMS had a bulge in his left jacket pocket.

10. Trooper Sutley asked WILLIAMS if he was armed and also asked WILLIAMS if he could pat him down for Trooper Sutley's personal safety. WILLIAMS agreed and Trooper Sutley had WILLIAMS place his hands on his head. Trooper Sutley began to conduct a simple frisk of WILLIAMS. WILLIAMS kept taking his hands off his head and trying to turn towards Trooper Sutley. Trooper Sutley asked WILLIAMS several times to keep his hands up and stand still. However, each time Trooper Sutley got close to WILLIAMS' jacket pocket, WILLIAMS would put his hands down. When Trooper Sutley finally felt WILLIAMS' left jacket pocket, Trooper Sutley felt what he believed to be a bag of marijuana.

11. Trooper Sutley asked WILLIAMS if the object in WILLIAMS' jacket was marijuana, and WILLIAMS said, "Yeah, just a little bag of weed". Trooper Sutley arrested WILLIAMS, placed handcuffs on him, and continued his search of WILLIAMS' person. Trooper Sutley found \$1,105.00 and a large knife in WILLIAMS front right pants pocket. Trooper Sutley secured WILLIAMS in the rear of the patrol car and began a search of WILLIAMS' vehicle.

12. While searching WILLIAMS' vehicle, Trooper Sutley saw a Kaluah bottle and a beer bottle top. Trooper Sutley opened the vehicle's middle console and saw

bundles of cash. Trooper Sutley saw additional currency in the glove box. Trooper Sutley saw a green plastic container in the back seat on top of a black gun case. Trooper Sutley opened the green container and saw two sets of digital scales, green residue that appeared to be marijuana and a plastic container, with a white powdery residue, which tested positive for the presence of cocaine. He also smelled the odor of marijuana.

13. Trooper Sutley began to search the vehicle's trunk. Therein, Trooper Sutley found a black gun case that contained an assault type weapon and several magazines. Also in the trunk Trooper Sutley found a plastic bag that contained additional currency and a black backpack. Trooper Sutley opened the backpack and found a blue plastic bag with additional currency. Two more assault type rifles and a black plastic trash bag that contained a food saver system and numerous food saver bags were also in the trunk. Based on my training and experience, your affiant knows that drug dealers often use food saver systems to store and transport illegal narcotics in order to hide their distinctive odor.

14. All of the currency found in the vehicle, other than the money WILLIAMS had in his pocket, was seized. The total of the money seized in the vehicle was approximately \$130,000.00. The vehicle WILLIAMS was operating was rented in WILLIAMS's name.

15. SA Thompson went to the dumpster near which the Ford Ranger had been earlier and saw four large metal military ammunition cans in the dumpster. The cans were lying on top of plastic bags of trash and were the only items that would have made the noise that your affiant heard. SA Thompson retrieved the cans which contained marijuana residue.

16. WILLIAMS was transported to the Montgomery HIDTA Office where he was interviewed by Montgomery Police Detective Brad Bartlett and IRS SA Louie Wilson and SA Thompson. WILLIAMS was read his Miranda warnings from a form by Detective Bartlett. WILLIAMS stated that he understood his rights, agreed to answer questions, and signed a waiver of rights form. WILLIAMS stated that the money seized from his vehicle was proceeds from cocaine trafficking. WILLIAMS stated that earlier that day he picked up drug proceeds, at the direction of a source of supply, from three different individuals in Montgomery, Alabama. WILLIAMS stated that he regularly picked up drug proceeds in Montgomery. WILLIAMS stated that his source of supply shipped multi-kilo quantities of cocaine to Montgomery from Texas on a regular basis.

17. Since WILLIAMS' March 2005 arrest, agents have seized more than \$600,000.00 in cash as drug proceeds that are related to WILLIAMS drug trafficking enterprise.

18. Another administrative subpoena was issued to DaimlerChrysler Credit Corporation for information regarding the purchase of the MERCEDES. The subpoenaed information revealed WILLIAMS purchased the MERCEDES from Jack Ingram Motors in Montgomery, Alabama. A subsequent subpoena, issued to Jack Ingram Motors for information relative to the purchase of the Mercedes, revealed that WILLIAMS traded in a 2000 Chevrolet Tahoe (for which he received a \$20,000.00 allowance towards the purchase of the MERCEDES). The MERCEDES was purchased on August 18, 2003.

19. In September 2005, SA Thompson developed a confidential source hereinafter identified as CS. The CS was contacted by Keith WILLIAMS who provided the CS

with the telephone number of WILLIAMS' brother, Alex WILLIAMS. The CS subsequently spoke with Alex WILLIAMS to arrange the purchase of cocaine from Alex WILLIAMS.

20. On September 28, 2005, your affiant, members of the Montgomery HIDTA, and Montgomery Police Department made a controlled purchase of cocaine from Alex WILLIAMS using the CS. During this transaction, your affiant and surveillance agents observed Alex WILLIAMS arrive to make the drug purchase driving the MERCEDES. During the drug transaction, Alex WILLIAMS exited the MERCEDES and entered the confidential sources' vehicle where the confidential source purchased more than four ounces of cocaine from Alex WILLIAMS. After the drug purchase, Alex WILLIAMS exited the confidential source's vehicle, entered the MERCEDES and drove away from the area.

21. On Thursday, February 2, 2006, your affiant, IRS Agent Louie Wilson and members of the Montgomery HIDTA office interviewed WILLIAMS, in the presence of his attorney, during a proffer session at the United States Attorney's office in Montgomery, Alabama. During this proffer, WILLIAMS advised that he purchased the MERCEDES at Jack Ingram Motors in Montgomery, Alabama and used a Chevrolet Tahoe as a trade-in. WILLIAMS further stated that the Chevrolet Tahoe was purchased from Eagle Export in Montgomery, Alabama, that it was bought using drug proceeds and that he was allowed \$20,000.00 towards the purchase of the MERCEDES as a result.

22. According to WILLIAMS, he traded in a 2003 Hummer, purchased from Eagle Export with drug proceeds, on a 2005 HUMMER. WILLIAMS stated that this HUMMER was bought at the Marietta Hummer dealership in Marietta, Georgia.

23. WILLIAMS further stated that on the same day as the purchase of the HUMMER, he also purchased the CHRYSLER from Ed Voyles Chrysler Inc., using drug proceeds.

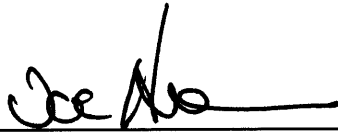
24. WILLIAMS added that he bought the BMW from Eagle Exports in Montgomery for \$86,500 cash using drug proceeds.

25. The owner of Eagle Exports in Montgomery, Alabama has been interviewed by your affiant and Agent Louie Wilson. During that interview, the owner of Eagle Exports corroborated WILLIAMS statements regarding the cash purchase of the 2000 Chevrolet Tahoe used as a trade-in for the MERCEDES, the cash purchase of the 2003 Hummer traded-in on the 2005 HUMMER, and the cash purchase of the BMW.

26. WILLIAMS further stated that after his March 2005 arrest by federal agents, he instructed his brother to collect certain drug debts totaling approximately \$120,000.00. WILLIAMS further instructed his brother to give the money to WILLIAMS' girlfriend, Danielle Steele, who was to use those drug proceeds to continue to make the monthly payments on the HUMMER, MERCEDES, CHRYSLER, and also on a mortgage on real property in Marietta, Georgia. WILLIAMS explained that Steele only received \$80,000.00 with WILLIAMS' brother keeping the remaining \$40,000.00.

27. According to the facts and information contained in this affidavit, there is probable cause to believe that the 2003 silver Mercedes, Alabama license plate HSTN2, VIN WDBKK49FX3F282892, "the MERCEDES", a 2005 Hummer, Alabama license plate HSTN, VIN 5GRGN22U35H114951, "the HUMMER", the 2004 BMW 645Ci, Alabama license plate HSTN 3, VIN WBAEK73494B320240,

“the BMW”, and the 2005 Chrysler 300, Alabama license plate HSTN 4, VIN 2C3AA53G65H612718, “the CHRYSLER” (all registered to Keith WILLIAMS) are drug proceeds, bought by WILLIAMS using illegal profits gained from his drug enterprise. Further, there is probable cause to believe that the MERCEDES facilitated an illegal drug transaction by transporting more than four ounces of cocaine on September 28, 2005.



Joe Herman, Agent
Alabama Bureau of Investigation

Sworn to and Subscribed before me this 6th day of February, 2006.



VANZETTA/PENN MCPHERSON
United States Magistrate Judge